

ORDER NO. 1791

UNITED STATES OF AMERICA
POSTAL REGULATORY COMMISSION
WASHINGTON, DC 20268-0001

Before Commissioners:

Ruth Y. Goldway, Chairman;
Robert G. Taub, Vice Chairman;
Mark Acton;
Tony Hammond; and
Nanci E. Langley

Freistatt Post Office
Freistatt, Missouri

Docket No. A2013-8

NOTICE AND ORDER ACCEPTING APPEAL AND
ESTABLISHING PROCEDURAL SCHEDULE

(Issued July 24, 2013)

Notice is hereby given that, on July 22, 2013, the Commission posted a Petition for Review of the Postal Service's closure of the Freistatt post office in Freistatt, Missouri.¹ The Petition was filed by Deborah Schoen (Petitioner) and includes a request for late acceptance. The Commission hereby institutes a proceeding under 39 U.S.C. § 404(d)(5) and establishes Docket No. A2013-8 to consider Petitioner's appeal and her request for late acceptance. Petitioner may further explain her position with supplemental information or facts. Petitioner may file a Participant Statement on PRC Form 61 or a brief with the Commission no later than August 21, 2013.

¹ See Petition for Review and Request for Late Acceptance from Deborah Schoen Regarding the Freistatt Post Office, Freistatt, Missouri, July 22, 2013 (Petition).

Categories of issues apparently raised. Petitioner contends that the Postal Service's decision to close the Freistatt post office was: (1) without observance of procedures required by law (see 39 U.S.C. § 404(d)(5)(B)); and (2) unsupported by substantial evidence on the record (see 39 U.S.C. § 404(d)(5)(C)).

After the Postal Service files the Administrative Record and the Commission reviews it, the Commission may find that there are more legal issues than those set forth above, or that the Postal Service's determination disposes of one or more of those issues. The deadline for the Postal Service to file the applicable Administrative Record with the Commission is August 1, 2013. See 39 C.F.R. § 3025.21. In addition, the due date for any Postal Service pleading in response to this Notice is August 1, 2013.

Request for late acceptance. Petitioner requests late acceptance of her Petition. The Postal Service answer to the request for late acceptance is due no later than August 1, 2013.

Availability; website posting. The Commission has posted the appeal and supporting material on its website at <http://www.prc.gov>. Additional filings in this case and participants' submissions will also be posted on the website, if provided in electronic format or amenable to conversion, and not subject to a valid protective order. Information on how to use the Commission's website is available online or by contacting the Commission's webmaster via telephone at 202-789-6873 or via electronic mail at prc-webmaster@prc.gov.

The appeal and all related documents are also available for public inspection in the Commission's docket section. Docket section hours are 8:00 a.m. to 4:30 p.m., Eastern Time, Monday through Friday, except on Federal government holidays. Docket section personnel may be contacted via electronic mail at prc-dockets@prc.gov or via telephone at 202-789-6846.

Filing of documents. All Postal Service filings in this case shall be made using the Internet (Filing Online) pursuant to Commission rules 9(a) and 10(a). See 39 C.F.R. §§ 3001.9(a) and 3001.10(a). Other participants may also use Filing Online. Instructions for obtaining an account to file documents online may be obtained on the

Commission's website, <http://www.prc.gov>, or by contacting the Commission's docket section at prc-dockets@prc.gov or via telephone at 202-789-6846.

The Commission reserves the right to redact personal information that may infringe on an individual's privacy rights from documents filed in this proceeding.

Participation by others. Persons other than Petitioner and the Postal Service wishing to be heard in this matter may submit comments. See 39 C.F.R. § 3025.14. Initial comments supporting a remand of this case are to be filed on or before August 21, 2013. This and other deadlines are set out in the attached Procedural Schedule. See 39 C.F.R. §§ 3025.41 through 3025.43.

Further procedures. By statute, the Commission is required to issue its decision within 120 days from the date it receives the appeal. See 39 U.S.C. § 404(d)(5). A Procedural Schedule has been developed to accommodate this statutory deadline. In the interest of expedition, the Commission may request the Postal Service or other participants to submit information or memoranda of law on any appropriate issue. **If any motions are filed by the Postal Service, responses are due 10 days after any such motion is filed.** See 39 C.F.R. § 3025.2(c).

Supplemental Information. Petitioner contends that, following the emergency suspension of service at the Freistatt post office on March 29, 2013, mail was not delivered to customers in Freistatt for 76 days until Cluster Box Units (CBUs) were installed, and during that interim, customers were obligated to drive 16 miles roundtrip to pick up their mail. Petition at 2. The Postal Service is requested to address this contention and, if applicable, to explain the delivery service provided to customers in Freistatt subsequent to the suspension of service at the Freistatt post office until such time as the CBUs were installed. The Postal Service response is due no later than August 1, 2013.

It is ordered:

1. The Postal Service answer to Petitioner's request for late acceptance is due no later than August 1, 2013.

2. The Postal Service shall file the applicable Administrative Record regarding this appeal no later than August 1, 2013.
3. Any responsive pleading by the Postal Service to this Notice and its response to the supplemental information are due no later than August 1, 2013..
4. The Procedural Schedule listed below is hereby adopted.
5. Pursuant to 39 U.S.C. § 505, Alison J.W. MacDonald is designated an officer of the Commission (Public Representative) to represent the interests of the general public.

By the Commission.

Shoshana M. Grove
Secretary

PROCEDURAL SCHEDULE

July 22, 2013	Filing of Appeal
August 1, 2013	Deadline for the Postal Service to file answer responding to Petitioner's request for late acceptance
August 1, 2013	Deadline for the Postal Service to file the applicable Administrative Record in this appeal
August 1, 2013	Deadline for the Postal Service to file any responsive pleading
August 21, 2013	Deadline for Petitioner's Form 61 or initial brief in support of the petition (see 39 C.F.R. § 3025.41)
September 4, 2013	Deadline for answering brief in support of the Postal Service (see 39 C.F.R. § 3025.42)
September 16, 2013	Deadline for reply briefs in response to answering briefs (see 39 C.F.R. § 3025.43)
November 19, 2013	Expiration of the Commission's 120-day decisional schedule (see 39 U.S.C. § 404(d)(5))